

ADMINISTRATIVE MANUAL
TOWN OF LOS GATOS

Subject: Policy on Gifts,
Gratuities or Rewards

Page: Page 1 of 2

Section Number:

Approved: *D. Swartz*

Effective Date:

1/25/89

Revised Date:

PURPOSE

To set forth policies regarding the acceptance of gifts, gratuities or rewards.

SCOPE

This policy applies to all permanent, part-time, temporary, contractual, or volunteer employees of the Town of Los Gatos.

POLICY

No employee shall accept money or other consideration or favor from anyone other than the Town for any reason. Acceptance of gifts, gratuities or favors of any kind might reasonably be interpreted as an attempt to influence an employee's actions with respect to Town business.

More specifically, no employee or any family member shall accept any gift at any time, whether in the form of a service, loan, thing, or promise from any person, firm or corporation, which to their knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any employee accept a gift, favor or thing of value that may tend to influence them in the discharge of their duties, or grant in the discharge of their duties any improper favor, service, or thing of value.

In situations where an employee receives a gift which is extremely embarrassing to return, or is given anonymously, the Town Manager's Office will return the gift to the party who sent it, or for anonymous gifts, the gift should be turned in to the Town Manager's Office for distribution to a local charity.

PROCEDURES

- A. If a gift is offered to an employee, the employee is required to not accept the gift.
- B. Should a gift be received, the employee is required to notify their Supervisor immediately. The Supervisor is to return the gift to the donor.

If the gift is given anonymously or return of the gift is not accepted, then the employee is to notify their Supervisor immediately. The Supervisor is to notify the Department Head. The gift is to be delivered to the Manager's Office.

The Town Manager's Office will notify donor and return the gift, or, if the gift was given anonymously, it will be donated to an appropriate non-profit agency in the community.

- C. All persons covered by this policy should be aware that violations of this policy may be grounds for disciplinary action up to and including termination.

Responsibilities

Employee

- Refuse gifts as defined above
- Notify Supervisor/Department Head of any gift received

Supervisor/Department Head

- If not the Department Head the Supervisor must notify the Department Head of receipt of any gifts; deliver, or arrange to have delivered, any gifts given anonymously or gifts which the donor refuses to accept to the Town Manager

Town Manager

- Return gift to original sender or donate gift to appropriate local agency

APPROVED AS TO FORM: Mary G. Lewis
Town Attorney

A:\ADMINMAN\ADMIN12
1/19/89 pm

RESOLUTION NO. 2003 - 136

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
REPLACING RESOLUTION 1988-173
AND ESTABLISHING ATTENDANCE REQUIREMENTS FOR
MEMBERS OF ALL TOWN COMMISSIONS, COMMITTEES, AND BOARDS,
EXCEPT THE PLANNING COMMISSION**

WHEREAS, the efficient conduct of the Town's business requires the attention of all members of appointive commissions, committees, and boards of the Town; and

WHEREAS, the absence of such members can weaken the efforts and effectiveness of the Town's advisory bodies; and

WHEREAS, it is in the interest of the Town to require reasonable attendance by members at the meetings of such commissions, committees, and boards; and

WHEREAS, Resolution 1988-173 currently governs the attendance policy for all appointive commissions, committees, and boards of the Town; and

WHEREAS, the Town Council now desires to replace the policy contained in Resolution 1988-173 with the attendance policy stated below for all appointive commissions, committees, and boards of the Town, with the exception of the Planning Commission; and

WHEREAS, the attendance policy for the Planning Commission shall be governed by separate resolution, as its members attend many more regularly scheduled meetings.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE THE FOLLOWING:

1. All members of all appointive Town commissions, committees, and boards should attend all regular meetings of said commissions, committees, and boards.
2. Any member of an appointive Town commission, committee, or board, with the exception of the Planning Commission, who is absent from four (4) regular meetings held in a twelve (12) month period, shall, as a result, surrender his or her office on the commission, committee, or board and the office shall be considered vacant.
3. At the Mayor's request, the member may continue to serve until his or her successor is appointed. The vacant position shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any

member removed from office due to non-attendance may re-apply to serve on a Town commission, committee, or board.

4. A commission, committee, or board member may be removed from the commission, committee, or board prior to the end of his or her term by a four-fifths (4/5) vote of the Town Council.
5. This Resolution supercedes Resolution 1988-173 with regards to all appointive Town commissions, committees, and boards, with the exception of the Planning Commission.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 1st day of December, 2003, by the following vote:

COUNCIL MEMBERS:

AYES: Sandy Decker, Diane McNutt, Joe Pirzynski, Mike Wasserman,
Mayor Steve Glickman.

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:

/s/ Steve Glickman
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

/s/ Marian V. Cosgrove
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
RESCINDING RESOLUTION 1988-173
AND ESTABLISHING ATTENDANCE REQUIREMENTS FOR
MEMBERS OF THE TOWN PLANNING COMMISSION**

WHEREAS, the efficient conduct of the Town's business requires the attention of all members of appointive commissions, committees, and boards of the Town; and

WHEREAS, the absence of such members can weaken the efforts and effectiveness of the Town's advisory bodies; and

WHEREAS, it is in the interest of the Town to require reasonable attendance by members at the meetings of such commissions, committees, and boards; and

WHEREAS, Resolution 1988-173 currently governs the attendance policy for all appointive commissions, committees, and boards of the Town; and

WHEREAS, the Town Council now desires to rescind Resolution 1988-173 and adopt a new attendance policy for the Planning Commission; and

WHEREAS, the attendance policy for all other appointive commissions, committees, and boards of the Town shall be governed by separate resolution.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE THE FOLLOWING:

2. Resolution 1988-173 is hereby rescinded.
3. All members of all appointive Town commissions, committees, and boards should attend all regular meetings of said commissions, committees, and boards.
4. Any Planning Commission member who is absent from eight (8) regular meetings held in a twelve (12) month period, shall, as a result, surrender his or her office on the Planning Commission and the office shall be considered vacant.
4. At the Mayor's request, the member may continue to serve until his or her successor is appointed. The vacant position shall be filled by appointment by a majority vote of the Town Council, for a term equal to the unexpired portion of the office vacated. Any member removed from office due to non-attendance may re-apply to serve on a Town commission, committee, or board.
5. A commission, committee, or board member may be removed from the commission, committee, or board prior to the end of his or her term by a four-fifths (4/5) vote of the Town Council.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of
Los Gatos, California, held on the 1st day of December, 2003, by the following vote:

COUNCIL MEMBERS:

AYES: Sandy Decker, Diane McNutt, Mike Wasserman,

NAYS: Joe Pirzynski, Mayor Steve Glickman

ABSENT: None

ABSTAIN: None

SIGNED:

/s/ Steve Glickman
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

/s/ Marian V. Cosgrove
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

RESOLUTION 2004 - 2

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
RESCINDING RESOLUTION 2002-134,
AND ESTABLISHING RESIDENCY REQUIREMENTS
FOR SPECIFIED BOARDS AND COMMISSIONS

WHEREAS, Section 2.40.015 of the Town Code allows the Town Council to establish residency requirements for Town Boards and Commissions; and

WHEREAS, membership on certain Boards and Commissions should require residency, while others involving business and property ownership need not require legal residency, and others benefit from the input from residents of adjacent municipalities; and

WHEREAS, the enabling resolutions of several Boards and Commissions establish the residency requirements for their respective bodies; and

WHEREAS, Resolution 2002-134 established residency requirements for specified boards and commissions; and

WHEREAS, the Town Council now desires to rescind Resolution 2002-134, and establish new residency requirements for specified Town Boards and Commissions, for which the enabling resolutions do not establish such requirements.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
DOES HEREBY RESOLVE:

1. Resolution 2002-134 is hereby rescinded.
2. Residency within the incorporated municipal limits of the Town of Los Gatos, California is required for appointment and continued membership on the following Boards and Commissions: Arts Commission, Community Services Commission, Library Board,

Sister City Committee, Planning Commission.

3. Residency requirements for the appointment and continued membership of Student Commissioners are as follows:
- a. Residency within the incorporated municipal limits of the Town of Los Gatos, California and enrollment in any accredited high school; or
 - b. Residency in the unincorporated areas of the County of Santa Clara, California, which have a Los Gatos mailing address; and enrollment in a school located within the Town of Los Gatos.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 5th day of January, 2004 by the following vote:

COUNCIL MEMBERS

AYES: Sandy Decker, Diane McNutt Joe Pirzynski, Mike Wasserman,
Mayor Steve Glickman.

NAYS: None

ABSTAIN: None

ABSENT: None

SIGNED: /s/ Steve Glickman
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

/s/ Marian V. Cosgrove
CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

RESOLUTION 1994-48

**RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF LOS GATOS
ESTABLISHING COUNCIL FISCAL POLICY
FOR VOLUNTEERS**

WHEREAS, the Town has adopted fiscal procedures contained in the Town Code and Town Purchasing Manual for purchases, contracts, and budgets; and

WHEREAS, these policies and procedures apply to all Town volunteers, including commission, committee, and board members; and

WHEREAS, Town volunteers are subject to the same obligations and procedures contained in the Town Code and the Town Purchasing Manual for purchases, contracts, and budgets; and

WHEREAS, no person may obligate the Town without complying with those requirements.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY RESOLVE AS FOLLOWS: That the following policies and procedures be adopted:

**COMMISSIONER/VOLUNTEER POLICIES AND PROCEDURES
PROJECT IMPLEMENTATION**

- I. Project/Program Budget**
 - A.** All projects must have a written budget clearly detailing revenues and expenses, including justification for any non-expendable supplies exceeding \$100.

- B. The budget must be approved by the Department Head, Town Manager and Council with authorization by the Department Head and Town Manager.
- C. All project revenues must be received by the Town of Los Gatos before any expenditures are made.
- D. All payments require Department Head's prior approval.

II. Contracting for Services

- A. All service costs must be included in the Council-approved budget.
- B. All services received by the Town must be defined by written contract. All service contracts must be approved by the Department Head, the Town Attorney, and executed by the Town Manager. Any contracts exceeding \$4,000 must receive prior approval by the Town Council.
- C. Payment is made directly to the vendor except if another payment method is arranged with the Department Head in advance of the expenditure net 30 days.
- D. Contract amendments must be approved by Council.

III. Materials Purchase

- A. All materials purchases must be included in the Council-approved budget.
- B. Payment is made directly to the vendor except if another payment method is arranged with the Department Head in advance of the expenditure.

IV. Other Payment Methods

- A. Petty cash - Only to be used for emergency or one-time expenditures by authority of the Department Head. Commissioners may be reimbursed for eligible documented expenses under \$20.00 within two working days.
- B. Claim for reimbursement - Eligible documented expenses exceeding \$20.00 for any project will be reimbursed within three weeks of receipt.
- C. Advance - Requests for advance of funds and claim for reimbursement shall be in written form approved by the Town Manager. These costs shall approximate the out-of-pocket expenses to be incurred. Sufficient documentation to support such requests or claim shall be provided.

V. Publicity/Outreach Materials

All publicity and outreach materials must be approved by the Department Head prior to duplication and or distribution.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of March, 1994, by the following vote:

COUNCIL MEMBERS:

AYES: Joanne Benjamin, Steven Blanton, Linda Lubeck, Patrick O'Laughlin
Mayor Randy Attaway

NAYS: None

ABSENT: None

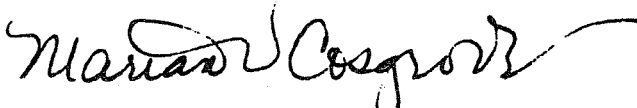
ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:



CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

RESOLUTION NO. 1987-16

A RESOLUTION AUTHORIZING ATTENDANCE AT GOVERNMENTAL BUSINESS FUNCTIONS AND PROVIDING FOR REIMBURSEMENT OF REASONABLE EXPENSES INCURRED IN SUCH ATTENDANCE.

BE IT RESOLVED, AND IT IS HEREBY RESOLVED by the Town Council of the Town of Los Gatos, County of Santa Clara, State of California, that Resolution No. 1978-86 entitled, "A RESOLUTION AUTHORIZING ATTENDANCE AT GOVERNMENTAL BUSINESS FUNCTIONS AND PROVIDING FOR REIMBURSEMENT OF REASONABLE EXPENSES INCURRED IN SUCH ATTENDANCE", is hereby repealed.

BE IT FURTHER RESOLVED that the following regulations shall govern the attendance upon business of the Town of Los Gatos and the reimbursement of expenses incurred as a result of such attendance.

Section 1.

Authorization

Subject to the conditions and limitations contained herein, elective and appointive officers and employees of the Town are authorized to attend conferences, seminars, technical or professional governmental meetings, luncheons, banquets and other functions concerning the governmental business of the Town of Los Gatos within the scope of position responsibility of the person attending, and to be reimbursed for the actual, necessary and reasonable expenses incurred as a result of such attendance.

Section 2.

Advance Approval

Such expenses shall not be reimbursed unless the amount thereof is included in a budget appropriation in advance of the date the expense is incurred. When attendance by any officer or employee of the Town other than elective officers and members of boards and commissions appointed by the Town Council, at conferences, conventions, meetings, or other business of the Town located outside of Santa Clara County necessitates an overnight stay or longer at the destination, permission shall be given in advance by the Town Manager.

Section 3.

Amount of Reimbursement

All expenses other than that of private automobile transportation incurred as a result of an officer's or employee's attendance upon Town business shall be

reimbursed at the actual cost thereof. Costs associated with the attendance of a family member of any officer or employee are not eligible for reimbursement.

The cost of private automobile transportation shall be reimbursed at the rate of twenty-four (\$.24) cents per mile for roundtrip mileage by the most direct route; provided that reimbursement transportation expenses by private automobile on trips which exceed two hundred and fifty (250) miles one way shall not be greater than the equivalent cost of roundtrip airfare if regular carrier air service is provided from the City of San Jose to the destination. Employees receiving a monthly car allowance will be eligible for reimbursement on the use of a private automobile as stated above only when a trip exceeds one hundred (100) miles in one direction.

Section 4.

Submission of Claims

Written claims for reimbursement shall be submitted to the Office of the Town Manager.

All persons shall submit itemized claims on forms supplied by the Town Manager no later than thirty (30) days after the costs have been incurred. Receipts or other documentation shall be submitted for the following types of expenses:

1. Transportation, including taxi and airport limousine fare;
2. Automobile rental;
3. Parking fees and bridge tolls;
4. Lodging;
5. Meals;
6. Conference, convention or other registration fees; and
7. Other necessary and reasonable expenses.

If meals are included in any registration fee, claim for reimbursement shall not be made for such meals separately. The total charges for purchased meals shall not exceed thirty five dollars (\$35) per day.

The propriety of receipts or other documentation submitted in support of claims expenses shall be at the discretion of the Town Manager.

Advances of Expenses

Advances of estimated reimbursable costs shall be granted upon written application to the Town Manager. All such applications other than those by elective officers, and those members of boards and commissions appointed by the Town Council, shall be approved in advance by the Town Manager. Claims for the actual and necessary expenses incurred shall be filed with the Town Manager in the same manner as specified above, but not later than thirty (30) days after the conclusion of the event attended, and such claims shall be accompanied by any unexpended balance of the amount advanced.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 17th day of February, 1987, by the following vote.

AYES: COUNCIL MEMBERS Eric D. Carlson, Thomas J. Ferrito,
Robert L. Hamilton, and Mayor Brent N. Ventura

NOES: COUNCIL MEMBERS None


ABSTAIN: COUNCIL MEMBERS None

ABSENT: COUNCIL MEMBERS Joanne Benjamin

SIGNED:


MAYOR OF THE TOWN OF LOS GATOS

ATTEST:


DEPUTY CLERK OF THE TOWN OF LOS GATOS